
(2008) 06 JH CK 0070
In the Jharkhand High Court

Ramdeo Mahto

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 24-06-2008

Acts Referred:

Citation : (2008) 3 JCR 363

Hon'ble Judges : M.Y. Eqbal, Acting C.J.; Dilip kumar sinha, J

Bench : Division Bench

Judgement

1. By this Public Interest Litigation, the misappropriation of Government fund, by committing illegalities and irregularities, in the distribution of food-grains under the Annapurna Schemes and Aantodyaya Schemes have been brought to the notice of this Court and mandamus has been sought for directing the Secretary, Food and Supply Department, Government of Jharkhand, Ranchi to arrange enquiry against the persons, who are involved in the said scam.

2. It is stated by the petitioner that in the month of February and March, 2006, the respondent Nos. 3 and 6 Deputy Commissioner, Palamau at Medninagar and Circle Inspector, Hussainabad Anchal in collusion with concerned Halka Karamcharis misappropriated the Government fund by committing illegalities and irregularities in distribution of 383.60 quintals of rice in the garb of implementation of Annapurna Scheme in Hussainabad Block. The respondent No. 4 Sub-Divisional Officer, Hussainabad held enquiry and reported that the illegalities and irregularities have been committed. It further reveals from the report that though the requisition for 383.60 quintals of rice was submitted by the Anchaladhikari but in collusion with respondent No. 6 (Circle Inspector, Hussainabad) they have misappropriated the Government fund. The District Supply Officer also submitted a report on 3.12.2007 to the Deputy Commissioner, Palamau for taking action against the erring officials. It is alleged in the petition that a newspaper item was published with regard to the misappropriation of 383.7 quintals of rice by the respondent No. 6 but no action was taken.

3. This Court by order dated 9.6.2008 directed the State counsel to seek instructions and file counter-affidavit. In response to that a counter-affidavit has been filed on behalf of Respondent No. 3 (Deputy Commissioner, Palamau at Medninagar). In the counter-affidavit it has been admitted that a report was submitted by the District Supply Officer stating about the irregularities committed by the Halka Karamcharis, Circle Inspector. Circle Officer and number of other officers including Sub-Divisional Officer, who were involved in the distribution of rice under Annapurna Scheme. It is stated that a committee of ADM rank was constituted for holding enquiry and for submission of report. In the meantime, the District Development Commissioner, Palamau was put under suspension by the Government. The respondent further stated in the counter-affidavit that on the basis of enquiry report criminal cases against Circle Inspector and other persons have been instituted and the departmental proceedings are said to have been initiated against the accused persons. In the counter-affidavit, the respondents clearly accepted and admitted about the misappropriation of fund by committing illegalities and irregularities in the distribution of food-grains for the month of February and March, 2006.

4. In course of argument, learned Counsel for the petitioner submitted that under the two aforementioned schemes serious irregularities have been committed not only in the distribution of food-grains for the month of February and March, 2006 but also such scam is going on in the entire State of Jharkhand.

5. From perusal of the affidavit, we are of the view that the illegalities and irregularities going on in the distribution of food-grains under the Annapurna Schemes and Aantayodaya Schemes needs full-fledged thorough enquiry at the first instance in the district of Palamau at Medninagar. We, therefore, direct the Divisional Commissioner, Palamau Division to hold an enquiry with regard to the illegalities and irregularities committed in the distribution of food-grains under the said schemes in the year 2006 and submit a detailed report. The Additional Collector, Palamau shall file supplementary affidavit informing this Court as to the further steps have been taken against other officers, who were involved in the misappropriation of Government fund by committing illegalities and irregularities in the distribution of food-grains. The Additional Collector shall also inform this Court as to what steps are to be taken against the irregularities alleged to have been committed by the officers concerned in different Blocks within the State of Jharkhand.

6. Let this matter be listed on 29th July, 2008. Let a copy of this order be handed over to the learned Counsel for the respondents.